

WHEREAS, deed restrictions were volunteered in conjunction with a request for an MU-1 Mixed Use District which was approved by the City Council on May 12, 1993, on Zoning Case #Z923-194/6497-N on property on the east side of the Dallas North Tollway, north of Keller Springs Road; and

WHEREAS, application has been made to amend said deed restrictions as part of Zoning File Z945-134/6497-N; and

WHEREAS, the City Council at a public hearing on February 8, 1995 approved the amendment to the deed restrictions in accordance with the recommendation of the City Plan Commission; and

WHEREAS, an instrument providing for the amendment to said deed restrictions has been approved as to form; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the deed restrictions as set forth in the attached instrument be and are hereby accepted by the City Council of the City of Dallas, Texas, to be used in conjunction with the development of property zoned an MU-1 Mixed Use District as described in Ordinance No. 21657.

Section 2. That said instrument shall be filed in the Deed Records of Dallas County, Texas.

Section 3. That this resolution shall take effect from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED BY
CITY COUNCIL

FEB 8 1995

Robert J. Brown
City Secretary

Approved as to form:
SARA LINDEN, City Attorney

By *Fleeta Hernandez*
Assistant City Attorney

APPROVED *[Signature]*
HEAD OF DEPARTMENT

APPROVED _____
DIRECTOR OF FINANCE

APPROVED _____
CITY MANAGER

FIRST AMENDMENT TO
DEED RESTRICTIONS DATED
MAY 10, 1993

THE STATE OF TEXAS }

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF DALLAS }

I.

That the undersigned, JDM Knoll Trail I, Ltd., a Texas limited partnership ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the A. J. Clark Survey, Abstract No. 360, in City Block 8224, City of Dallas ("City"), Dallas County, Texas, and being a portion of a 23.17 acre tract of land conveyed to KDM Knoll Trail I, Ltd., by J & B Realty, Ltd., by deed dated November 5, 1993, and recorded in Volume 93221, Pages 1100 through 1102, in the Deed Records of Dallas County, Texas, and being more particularly described as follows.

BEING a tract of land situated in the A. J. Clark Survey, Abstract No. 360 in Dallas County, Texas and being in Dallas City Block No. 8224, said tract also being part of a 23.17 acre tract of land as recorded in Volume 5223, Page 247 of the Deed records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point of intersection of the west line of Knoll Trail (a 60 foot right-of-way) with the north line of Keller Springs Road (an 80 foot right-of-way);

THENCE along the said north line of Keller Springs Road the following courses and distances; S. 89°30'00" W., 6.56 feet to a point for corner; Thence N. 89°27'07" W., 179.73 feet to a point for corner; Thence S. 89°29'15" W., 138.13 feet to a point for corner; Thence N. 44°47'48" W., 16.66 feet to a point for corner at the intersection of the said north line of Keller Springs Road with the east line of Dallas North Tollway (a variable width right-of- way);

THENCE along the said east line of Dallas North Tollway, the following courses and distances; N. 00°52'46" E., 87.03 feet to a point for corner, and being the beginning of a curve to the right having a central angle of 13°54'32" a radius of 706.20 feet and a chord bearing of N. 07°50'02" E.; Thence along said curve 171.43 feet to the end of said curve, and being the beginning of a curve to the left having a central angle of 13°54'32" a radius of 726.20 feet and a chord bearing of N. 07°50'02" E.; Thence along said curve 176.29 feet to the end of said curve; Thence N. 00°52'46" E., 402.03 feet to a point for corner, and being the beginning of a curve to the left having a central angle of 09°00'01" a radius of 1283.24 feet and a chord bearing of N. 03°37'14" W; Thence along said

curve 201.58 feet to the end of said curve; Thence N. 08°07'15" W., 162.59 feet to a point for corner, and being the beginning of a curve to the right having a central angle of 01°29'33" a radius of 2404.10 feet and a chord bearing of N. 08°51'50" W.; Thence along said curve 62.62 feet to the end of said curve;

THENCE S. 49°05'56" E., 62.33 feet leaving the said east line of Dallas North Tollway to a point for corner;

THENCE N. 89°30'52" E., 177.04 feet to a point for corner;

THENCE N. 40°42'52" E., 68.77 feet to a point for corner; THENCE N. 78°31'55" E., 50.99 feet to a point for corner;

THENCE S. 59°11'39" E., 58.31 feet to a point for corner;

THENCE S. 84°26'51" E., 28.99 feet to a point for corner on the said west line of Knoll Trail and being in a curve to the right running in a southerly direction and having a central angle of 27°46'29" a radius of 560.00 feet and a chord bearing of S. 04°11'17" W.;

THENCE along said curve, and the said west line of Knoll Trail, the following courses and distances; 271.46 feet to the end of said curve, and being the beginning of a curve to the left having a central angle of 18°14'01" a radius of 620.00 feet and a chord bearing of S. 08°57'30" W.; Thence along said curve 197.31 feet to the end of said curve; Thence S. 00°09'30" E., 574.52 feet to a point for corner, and being the beginning of a curve to the right having a central angle of 11°24'17" a radius of 560.00 feet and a chord bearing of S. 05°32'38" W.; Thence along said curve 111.47 feet to the end of said curve, and being the beginning of a curve to the left having a central angle of 10°22'38" a radius of 620.00 feet and a chord bearing of S. 06°03'28" W.; Thence along said curve 112.29 feet to the Point of Beginning and containing 9.509 acres (414,203 square feet) of land.

II.

That the Property was impressed with certain deed restrictions ("Original Restrictions") as shown in an instrument dated May 10, 1993, signed by Robert J. Penksa on behalf of J & B Realty, Ltd., and recorded in Volume 93106, Pages 6170 through 6176 of the Deed Records of Dallas County, Texas.

III.

That the Owner of the Property does hereby amend restriction number 2 entitled, "Building Heights for Tract I," of the Original Restrictions to read as follows:

"2. Building Heights for Tract I.

- A. Except as provided below, the maximum building height and the maximum number of stories is 38 [~~36~~] feet and three stories.
- B. The maximum building height and the maximum number of stories for buildings located within 60 feet of Knoll Trail is 26 [~~24~~] feet and two stories."

IV.

That the preceding amendment was made following notice and public hearing before the City Plan Commission and City Council of the City of Dallas as required in the Original Restrictions, and notice of such public hearings was given as would have been required by law for a zoning change on the Property.

V.

That it is expressly stipulated and understood that the amendment of the height limitation restriction accomplished hereby shall in no manner operate to impair or reduce the enforceability of the Original Restrictions, as originally written, and that all restrictions and provisions contained in the deed restriction instrument dated May 10, 1993, and recorded in Volume 93106, Pages 6170 through 6177 of the Deed Records of Dallas County, Texas, shall remain in full force and effect except as amended by Paragraph III of this document. Furthermore, it is expressly stipulated and understood that all provisions contained in the aforementioned deed restriction instrument apply to this instrument as if recited herein.

EXECUTED on this the 3rd day of February, 1995.

JDM Knoll Trail I, LTD.,
a Texas limited partnership
Owner

By: Murchison Realty, Inc.
a Texas corporation, General Partner

By: Robert J. Penska
Robert J. Penska
Title: Chief Operating Officer

CONSENT AND CONCURRENCE OF
LIENHOLDER:

Guaranty Federal Bank F.S.B.
Property Lienholder

By: Lisa Stolsky
Title: Vice President

APPROVED AS TO FORM:

SAM A. LINDSAY, City Attorney

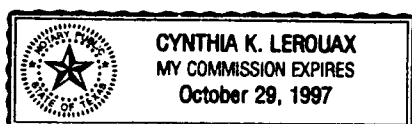
By: Alexander Hernandez
Assistant City Attorney

THE STATE OF TEXAS }

COUNTY OF DALLAS }

BEFORE ME, the undersigned authority, on this day personally appeared Robert J. Penska, Chief Operating Officer of Murchison Realty, Inc., a Texas corporation, on behalf of said corporation as general partner of JDM Knoll Trail I, Ltd., a Texas limited partnership, on behalf of said limited partnership, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 3rd day of February, 1995.



Cynthia K. Leroux
Notary Public, State of Texas

My commission expires 10-29-97.

THE STATE OF TEXAS }

COUNTY OF DALLAS }

BEFORE ME, the undersigned authority, on this day personally appeared Lesa B. Balsley, Vice President for Guaranty Federal Bank, F.S.B. a federal savings bank, on behalf of said federal savings bank, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 3rd day of February, 1995.

Angelina B. Nethercott
Notary Public, State of Texas

My commission expires _____.